



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/263,440	03/05/99	RYU	678-231-1562

PAUL J FARRELL  
DILWORTH AND BARRESE  
333 EARLS OVINGTON BOULEVARD  
UNIONDALE NY 44553

WM02/0328

EXAMINER
KNEPPER, D

ART UNIT	PAPER NUMBER
2645	4

DATE MAILED: 03/28/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/263,440

Applicant(s)

Ryu

Examiner

D. Knepper

Group Art Unit

2645

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 5 Apr 1994 & 5 May 1994 (papers 2-3)
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-10 ☒ are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-10 ☒ are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

1. Applicant's correspondence filed on 5 April 1999 and 5 May 1999 (papers 2 and 3) have been received and considered. Claims 1-10 are pending.

Abstract/Title

2. The terms "An apparatus for" were removed from the abstract (first 3 words) and title first 2 words).

Claims

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Schwelb (5,950,123).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7, 9 and 10 are rejected under 35 U.S.C. § 103 as being unpatentable over Schwelb as applied to claims 1 and 8 above, in view of Marui (4,959,850).

Claim 5: It is noted that Schwelb does not explicitly teach "voice dialing". However, Marui teaches that it is well known to combine speech recognition with speech synthesis to add a more user friendly interface to radio telephones (i.e. - cellular phones). It would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to combine the teachings of both references because are adding speech processing capabilities (recognition and synthesis) to add input/output options to improve hands free communications equipment.

The use of speech recognition inherently requires storage of speech recognition information upon which to perform comparisons of speech input to determine a match.

Claims 6, 9 and 10: Generating an "alarm" is inherent in sending text using standard paging handshaking. See, for example, Schwelb in col. 3, lines 44-64.

After confirmation (col. 3, lines 1-10), synthesizing the text message is taught in col. 3, lines 11-22 (i.e. - his text-to-voice translation function to synthesize an audible announcement from the contents of a received textual data message).

Claim 7: Handshaking to determine whether or not a message is transmitted or received is inherent in any form of pager. See, for example, Schwelb, column 3, lines 1-10 where he indicates that the message will be stored until delivery can be confirmed (as long as delivery fails, the message is stored). Therefore, the prior art teaches that it is critical to be able to keep track of whether or not a message is transmitted to the intended recipient, as one of ordinary skill in the art of Messaging would expect.

7. Claims 2 and 3 are rejected under 35 U.S.C. § 103 as being unpatentable over Schwelb as applied to claims 1 and 8 above, in view of Klatt (Review of text-to-speech conversion for English).

It is noted that Schwelb does not teach any details regarding speech synthesis. This is because they are notoriously well known. See, for example, Klatt who teaches the state of the art in 1987 which is almost 9 years prior to the invention taught by Schwelb. Therefore, it would have been obvious to incorporate well known speech synthesis techniques into any synthesizer developed after such well known techniques are disclosed.

Claim 2: "sound elements" [Klatt's phonemes (and others as well)];

"dictionary" (Klatt's phonemic dictionary, page 767);

"sentence analyzer . . . grammatical information" (Klatt's syntactic and semantic analyses, pages 773-774);

"speech synthesizer . . . transferring said audio signals to a speaker . . . and a control unit" are inherent in the use of a synthesizer unit already covered by Schwelb.

8. Claim 4 is rejected under 35 U.S.C. § 103 as being unpatentable over Schwelb in view of Klatt as applied to claim 2 in further view of Marui.

It is noted that neither Schwelb (nor Klatt) teach the use of "an echo canceler for eliminating reflective noises." Any one of pedestrian skill in the art knows that an echo canceler removes reflective noises (echoes). The use of such a device is notoriously well known in any telephone environment. See, for example, the echo canceler 415 taught by Marui in figure 7. It would have been obvious to use an echo canceler to remove unwanted reflected noise as taught by Marui. The

combination with Schwelb is considered obvious because they are in the same field which is the use of wireless telephone communications.

**Prior Art**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moore (6,125,284) is cited to show that it is known to combine speech recognition, synthesis and mobile phone technology. He also teaches the use of text Messaging and noise cancellation (which would be obvious to include echo canceling).

Helferich (6,087,956) teaches that various paging connections may be announced by beeps, vibration, speech synthesis, LCD or a variety of other methods.

Kivela (6,052,070) and Peterson (6,178,398) are cited because they show wireless communications devices in combination with speech recognition and synthesis which go beyond the scope of the instant application.

Koskan (6,181,956) and Segal (6,167,251) teach details of the claimed invention but have effective filing dates later the foreign priority date of the instant application.

10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

TC2600 Fax Center  
(703) 308-6306 or  
(703) 308-6296

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to David D. Knepper whose telephone number is (703) 305-9644. The examiner  
can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
Fan Tsang, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application should be directed  
to the Group receptionist whose telephone number is (703) 305-4700.

To better manage growth, Technology Center (TC) 2700 has been divided into two  
Technology Centers: TC 2100 and TC 2600. As a result, this Art Unit (AU) was changed from AU  
2748 to AU 2645. Old correspondence may refer to the old Art Unit 2748. Please refer to the new  
Art Unit in further correspondence.



David D. Knepper  
Primary Examiner  
**Art Unit 2645**  
March 25, 2001